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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/254,242

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GERHARD NIEDERMAIR

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06/20/2006

STAAS & HALSEY LLP

SUITE 700

1201 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20005

EXAMINER

OPSASNICK, MICHAEL N

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/254,242	<b>Applicant(s)</b> NIEDERMAIR ET AL.	
	<b>Examiner</b> Michael N. Opsasnick	<b>Art Unit</b> 2626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/5/2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Vysotsky et al (5719921) in view of Jiang (6374219).

As per claim 11, Vysotsky et al (5719921) teaches:

Art Unit: 2626

“A speech processing system comprising:....different types of speech output” as containing multiple speech recognizer arrays (Fig. 1, subblocks 126,128), each speech recognizer array containing parallel voice recognition units (Fig. 2a, subblock 204,206, 208) and DTMF recognizer (Fig. 2a, subblock 202); wherein the voice recognition units perform differing parallel recognition functions (as detailed in Fig. 2b);

“a selector.....is routed” as the initial arbitration is the selector (Fig. 4, subblock 40), deciding whether or not to use speaker dependent or speaker independent information, prompting for more input, plus voice verification (fig. 4, subblock 406; col. 9 line 59 – col. 10 line 65).

Vysotsky et al (5719921) teaches choosing between speaker dependent/independent models, however, Vysotsky et al (5719921) does not explicitly teach non-parallel processing of the speech signals. Jiang (6374219) teaches the concept of a speech recognition model switching between continuous speech and isolated speech recognition lexicons (Jiang (6374219) ,col. 11 lines 55-63). Therefore, it would have been obvious to one of ordinary skill in the art of speech recognition to incorporate the switchable speech lexicons of Jiang (6374219) into the recognizer of Vysotsky et al (5719921) because it would advantageously allow for separate recognition techniques which would maximize efficiency and improve accuracy of the recognition system (col. 11 lines 65 – col. 12 line 11).

As per claim 12, the combination of Vysotsky et al (5719921) in view of Jiang (6374219) teaches:

Art Unit: 2626

“a speech processing system as claimed in claim 11, ....routed” as routing a  $c2+n1$  condition to a Y/N decision; or a C1 condition to the feature activation; or N1 candidate (Vysotsky et al (5719921), Fig. 4).

As per claim 13, the combination of Vysotsky et al (5719921) in view of Jiang (6374219) teaches:

“a speech processing system as claimed in claim 11 wherein a group of speech recognition module.....pre-processing module” as pre-processing speech module (Vysotsky et al (5719921), Fig. 4, subblock 402).

As per claim 14, the combination of Vysotsky et al (5719921) in view of Jiang (6374219) teaches:

“a speech processing system as claimed in claim 11....module” as multiple post-processing (Vysotsky et al (5719921), (Y/N decision, fig. 4, subblock 418; second post processing arbitration, fig. 4, subblock c1; or voice verification post processing, fig. 4, subblock 416,428).

As per claims 15,16, the combination of Vysotsky et al (5719921) in view of Jiang (6374219) teaches:

“a speech processing system.....and a user” as controlling a prompt for additional speech input (Vysotsky et al (5719921), Fig. 4, subblock 420,422,423,408,410).

Art Unit: 2626

As per claim 17, the combination of Vysotsky et al (5719921) in view of Jiang (6374219) teaches:

“a speech processing as claimed in claim 11 wherein said plurality.....DTMF recognition” as using various speech recognition capabilities, such as dependent words (Vysotsky et al (5719921), col. 2 lines 5-12, col. 2 lines 39-44); speaker independent words and phrases (col. 2 lines 31-37), DTMF tone detections (col. 2 lines 25-30); and performing speech commands (col. 6 lines 34-66).

As per claim 18, the combination of Vysotsky et al (5719921) in view of Jiang (6374219) teaches:

“a speech processing system.....tones” as the speech arbitration of Vysotsky et al (5719921), Fig. 4, subblock 406 determines differing types of output, as example – fig. 4, subblock 424 determines that the call was completed (or completed dialing), Fig. 4, subblock 426 deals with feature activation (command recognition, as shown in col. 6 lines 45-65, which induces DTMF output – the ‘repeated dialing’ feature), and a voice verification process (fig. 4, subblock 416).

Claims 19-21 are method claims whose step are performed in the apparatus claims of claims 11-18; these method claims are similar in scope and content compared to the apparatus claims of 11-18, and are therefore rejected under the same rationale as presented against claims 11-18.

Art Unit: 2626

***Response to Arguments***

4. Applicant's arguments with respect to claims 11-21 have been considered but are moot in view of the new ground(s) of rejection. Examiner notes the application of the Jiang reference to the newly amended claim language pertaining to switching between speech modules without parallel processing.

***Conclusion***


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see related art listed on the PTO-892 form.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno  
6/15/06

  
Michael N. Opsasnick  
Examiner  
Art Unit 2626